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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/960,093  | 09/21/2001  | Masaharu Sakata      | 2803.65851          | 5060             |
| 7590  | 01/15/2004  |                      | EXAMINER            |                  |
| Patrick G. Burns, Esq.<br>GREER, BURNS & CRAIN, LTD.<br>300 South Wacker Dr., Suite 2500<br>Chicago, IL 60606 |             |                      | EVANS, JEFFERSON A  |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2652                |                  |
| DATE MAILED: 01/15/2004   |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                 |               |
|------------------------------|-----------------|---------------|
| <b>Office Action Summary</b> | Application No. | Applicant(s)  |
|                              | 09/960,093      | SAKATA ET AL. |
| Examiner                     | Art Unit        |               |
| Jefferson Evans              | 2652            |               |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 06 October 2003.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1 and 3-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 6 and 7 is/are allowed.
- 6) Claim(s) 1, 3, 4, 8, and 9 is/are rejected.
- 7) Claim(s) 5 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

|  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

Claims 1 and 3-9 are pending.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 4, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ekhoff (U.S. 6,097,568). Note figure 3 that shows that the wind shield members 42 above and below disks can have shapes that get thinner towards an air exit side of the fingers. Also, Ekhoff notes at column 6 – lines 4 to 11 that the wind shield members may be curved or bent.

Ekhoff does not expressly state that the wind shield members have an air entrance side edge curved guide surface for guiding the air flow to the outside of the disks.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the wind shield members of Ekhoff be provided with an air entrance side edge curved guide surface for guiding the air flow to the outside of the disks. The motivation would have been: Ekhoff discloses that the wind shield members may be curved and as the wind shields of Ekhoff also function to guide air to an outside of the disks (column 6 – lines 18 to 22) so it would follow to have the

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curve of the wind shield member be such that it facilitates the controlled motion of the air flow, including the flow of air towards the outside of the disks.

3. Claims 1, 3, 4, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall (U.S. 5,134,530) in view of Ekhoff. Hall discloses an upstream air stripper wherein for a particular disk 24 the stripper members 64 above and below the disk can read on the claimed wind shield members.

Hall does not expressly state that the wind shield members have an air entrance side edge curved guide surface for guiding the air flow to the outside of the disks.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the wind shield members of Hall be provided with an air entrance side edge curved guide surface for guiding the air flow to the outside of the disks. The motivation would have been: Ekhoff discloses that wind shield members may be curved and as the wind shields of Hall and Ekhoff also function to guide air to an outside of the disks (column 6 – lines 18 to 22) so it would follow to have the curve of the wind shield member be such that it facilitates the controlled motion of the air flow, including the flow of air towards the outside of the disks.

4. Claims 6 and 7 are allowed. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

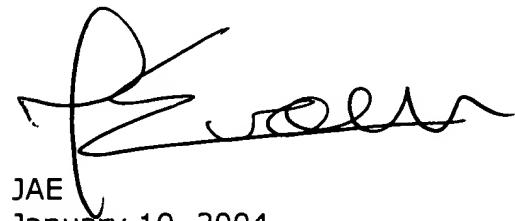
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferson Evans whose telephone number is

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703-308-1610. The examiner can normally be reached on Monday to Friday, 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 703-305-9687. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.



JAE  
January 10, 2004

Jefferson Evans  
Primary Examiner  
Art Unit 2652

**JEFFERSON EVANS**  
**PRIMARY EXAMINER**